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# Emergency Rules

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## Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Division of Family Services Chapter 60—Licensing of Foster Family Homes

### EMERGENCY RESCISSION

**13 CSR 40-60.010 Family Homes Offering Foster Care.** This rule explained that the Division of Family Services was responsible for licensing foster homes.

*PURPOSE: This rule is being rescinded and a new rule for provision of services is being promulgated in Division 35—Children's Division as the Children's Division is responsible for licensing of foster family homes.*

*EMERGENCY STATEMENT: In order to adequately protect the children who have been placed in the division's custody, the division must set criteria and standards for the foster homes which care for these children. These homes provide twenty-four (24)-hour care for children and safety of the children, must be assured at all times. The current rule does not sufficiently state the requirement that the division make placement decisions based on the compelling issue of the child's best interest. This emergency rescission is necessary to address court decisions that have held that in order for a policy of general applicability to have effect, it must be promulgated as a rule (*Eileen Reed v. Mo. Department of Social Services, Family Support Division*, Case No. ED87348, 6/20/2006) and by a court decision that found certain criteria used by the Children's Division in the licensing process to be unconstitutional. (*Lisa Johnston v. Mo. Department of Social Services, et al*, Case No. 0516CV09517 Jackson County Circuit Court 2/17/06). The promulgation of this emergency rescission is necessary to preserve the compelling governmental interest in protecting children by establishing in rule the procedures for licensing of foster parent homes and placement of children. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The division believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed July 18, 2006, effective August 4, 2006, expires January 30, 2007.*

*AUTHORITY: sections 210.221 and 210.486, RSMo 1986. Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Amended: Filed July 6, 1988, effective Sept. 29, 1988. Emergency rescission filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. An emergency rescission and proposed rescission covering this same material will be published in the September 1, 2006 issue of the *Missouri Register*.*